

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 7, 2006

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Superintendent Huskey and Executive Secretary Choe.

Carol Tietz of Bose McKinney and Evans and John Barnett were present as observers.

DISPOSITION OF MINUTES

Commissioner Guthrie moved to approve the minutes submitted for the February 21, 2006 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Commissioner Sturtz moved to approve the PAD forms submitted for the March 7, 2006 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL82-20727 ZELLER'S MASTER TIRE, INC. – Hearing Judge Choe recommended the Commission dismiss the appeal for lack of standing for all remonstrators.

Commissioner Guthrie moved to uphold the Hearing Judge's recommendation and dismiss the appeal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists

as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Four hundred fifty-five (455) renewals approved, sixty-nine (69) new and/or transfer permits approved, nine (9) permits approved for catering, three (3) permits approved for first year escrow, six (6) permits approved for second year escrow, six (6) permits approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Sturtz moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR50-22163 MICHAEL A. SMITH – Chairman Heath noted this is a new type 210 application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR34-10317 ULTIMATE PLACE, LLC, D/B/A THE ULTIMATE PLACE 2B – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL17-22098 KVM, INC., D/B/A MILE CORNER KWIK MART – Chairman Heath noted this is a new type 104 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-04541 ZOECO, INC., D/B/A MEN'S CLUB – Chairman Heath noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve for a one year renewal.

Commissioner Guthrie moved to uphold the local board's recommendation and approve this renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL65-94314 WATZLAVIK HOLDINGS, LLC, D/B/A ROADHOUSE LIQUORS – Chairman Heath noted this is a type 217 transfer of ownership application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Commissioner Guthrie moved to make twenty (20) permits inactive. Eighteen (18) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

DL82-21983 SANNAH, INC., D/B/A RIGHT STUFF – Chairman Heath noted an appeal was filed in this matter.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2006.

DAVE HEATH, CHAIRMAN

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER